



W.P.(MD).No.28156 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28156 of 2023
and
W.M.P(MD) Nos.24237 and 24241 of 2023

C.Ashok Kumar

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Head Office,
Kumbakonam Division,
Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Head Office, Kumbakonam Division,
Thanjavur District.
3. The Deputy Manager,
Tamil Nadu State Transport Corporation Limited,
Head Office, Kumbakonam Division,
Thanjavur District.
4. The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Pattukottai Branch, Pattukottai,
Thanjavur District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter issued by the third respondent dated 15.11.2023 bearing Letter No.148/PPe-E5/TNAPoku(Ku) Kumba/2023 and quash the same and directing the respondents to provide alternative employment to the petitioner in the light of Section 47(1) of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995 with continuity of service, pay protection and all other attendant benefits.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed by a Driver of the respondent Transport Corporation challenging the order, wherein, he has been directed to appear before the Government Eye Hospital, Egmore.

2. The petitioner was already referred by the respondent Transport Corporation before the Medical Board of Rajiv Gandhi Government General Hospital at Chennai. After assessing the petitioner, the Board has



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arrived at an opinion that his both eyes are unfit to drive due to lack of colour vision and they have also found that the said defect is permanent in nature. The Board has also arrived at a finding that the petitioner is having a visual disability of 40% and they have advised light duty. Thereafter, again within three months, the petitioner has been referred to another Hospital in Chennai which is nothing, but, harassment of the writ petitioner.

3. In view of the above said facts, the order impugned in the writ petition is set aside. The respondent Transport Corporation is directed to act upon the report of the Medical Board of Rajiv Gandhi Government General Hospital, Chennai, dated 09.08.2023 and confer the benefits as contemplated under Section 20(4) of the Persons with Disabilities Act (Equal Opportunities, Protection of Right and Full Participation) Act, 2016, and provide alternative employment to the petitioner with pay protection and continuation of service. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



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4. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

06.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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R.VIJAYAKUMAR,J.

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